



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
DIVISION OF ENFORCEMENT

100 F Street, N.E.
WASHINGTON, D.C. 20549-1004

DIVISION OF
ENFORCEMENT

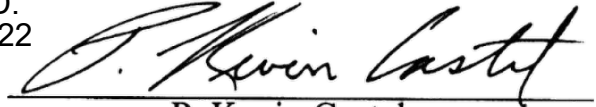
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September 6, 2022

VIA ECF

The Honorable P. Kevin Castel
United States District Judge
United States Courthouse
500 Pearl Street, Courtroom 11D
New York, NY 10007-1312

Conference is adjourned from September 9, 2022
to November 3, 2022 at 10:30 a.m. The conference
will proceed telephonically. Call-in information
is: Dial-In No.: 1-888-363-4749, Access Code: 3667981.
SO ORDERED.
Dated: 9/7/2022


P. Kevin Castel
United States District Judge

Re: *SEC v. Melville ten Cate*, No. 22-cv-2787-PKC (S.D.N.Y.)

Dear Judge Castel:

The undersigned serve as counsel to Plaintiff Securities and Exchange Commission ("Commission") in the above-referenced case. We are writing to request that Your Honor reschedule the Initial Pretrial Conference ("Conference") from its current date and time of **Friday, September 9, 2022 at 11 a.m. to Friday, September 30, 2022 at 11 a.m.**, or such other date and time as may be available and convenient to the Court. We have previously requested adjournment once, which the Court granted on May 16, 2022. Unfortunately, we have not been able to confer with Defendant Melville ten Cate ("Defendant") concerning this request.

The basis for this request is that the Commission was not able to serve the Summons and Complaint on Defendant until earlier today, and therefore, we have not had an opportunity to have a meaningful conference with Defendant or any representative regarding a joint proposal for the administration of this case. In addition, we believe that additional time prior to the Conference will allow the Parties to explore settlement.

We also wish to inform the Court that we served Defendant in the United Arab Emirates in accordance with UAE local law, which requires service via a local court officer pursuant to application submitted by local counsel retained by the Commission. We are awaiting documentation of service, and we will file a proof of service upon receipt. We also served the Defendant with a copy of Your Honor's Order (Doc. 12) setting the Initial Pretrial Conference for this coming Friday.

The Honorable P. Kevin Castel

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In addition, prior to formally serving Defendant earlier today, we had previously provided him with copies of all the aforementioned filings via email (with confirmation of receipt), and requested that he waive formal service of process in accordance with the Federal Rules of Civil Procedure. We received no response for a number of weeks despite attempts to follow-up. We subsequently were able to reach Defendant and arrange a videoconference. After first confirming that Defendant was unrepresented, we explained the procedural status of this case and inquired as to his possible interest in settlement. Defendant was unprepared to discuss the case in depth, however, and requested the opportunity to seek and consult with counsel before deciding on his course of action. We are now attempting to follow-up with Defendant to inquire as to his progress.

Given these circumstances, the Commission requests that the Court adjourn the Initial Pretrial Conference for three weeks, until September 30, 2022, in order for the parties to have sufficient time to discuss the possibility of settlement and/or the content of a joint report in advance of the Initial Pretrial Conference.

We thank Your Honor for consideration of this request.

Respectfully submitted,

/s/Duane K. Thompson

Duane K. Thompson

Edward J. Reilly

cc: Melville ten Cate (via email)